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Attorneys for Lead Plaintiffs Arkansas Teacher Retirement System, Första-AP Fonden and Danske Invest Management A/S

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HARRY W. PLICHTA, Individually and On Behalf of All Others Similarly Situated,

Plaintiff,

V.

SUNPOWER CORPORATION, THOMAS H. WERNER, DENNIS V. ARRIOLA, EMMANUEL T. HERNANDEZ, DEUTSCHE BANK SECURITIES INC., CREDIT SUISSE SECURITIES (USA) LLC, LAZARD CAPITAL MARKETS LLC, BARCLAYS CAPITAL INC, PIPER JAFFRAY & CO., WACHOVIA CAPITAL MARKETS, LLC n/k/a WELLS FARGO SECURITIES, LLC, SL HARE CAPITAL, INC., T.J. RODGERS, W. STEVE ALBRECHT, BETSY S. ATKINS, PATRICK WOOD, III & UWE-ERNST BUFF

Defendants.

BARROWAY TOPAZ KESSLER
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Case No. CV 09-5473-RS
(Consolidated)

CLASS ACTION

STIPULATION AND [PROPOSED] ORDER GRANTING LEAD PLAINTIFFS LEAVE TO FILE A SINGLE BRIEF OF UP TO 35 PAGES IN OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS

WHEREAS, on May 28, 2010, Lead Plaintiffs, Arkansas Teacher Retirement System, Första-AP Fonden and Danske Investment Management A/S (collectively, “Lead Plaintiffs”), filed the Consolidated Class Action Complaint For Violation of the Federal Securities Laws [Dkt. #92] (the “Consolidated Complaint”);

WHEREAS, on August 5, 2010, Defendants SunPower Corporation, Thomas H. Werner, Dennis V. Arriola, Emmanuel T. Hernandez, T.J. Rodgers, W. Steve Albrecht, Betsy S. Atkins, Patrick Wood, III, and Uwe-Ernst Bufe (the “SunPower Defendants”) filed a Motion to Dismiss the Consolidated Complaint [Dkt. #122];

WHEREAS, on August 5, 2010, Defendants Deutsche Bank Securities Inc., Credit Suisse Securities (USA) LLC, Lazard Capital Markets LLC, Barclays Capital Inc., Piper Jaffray & Co., Wachovia Capital Markets, LLC n/k/a Wells Fargo Securities, LLC, and SL Hare Capital, Inc. (the “Underwriter Defendants”) filed a Motion to Dismiss the Consolidated Complaint [Dkt. #112];

WHEREAS, Local Rule 7-3(a) governs page limits for motions and permits Lead Plaintiffs to file separate opposition briefs of 25 pages each, totaling 50 pages;

WHEREAS, rather than file separate opposition briefs of up to 50 pages, Lead Plaintiffs request leave to file a single opposition brief of up to 35 pages;

WHEREAS, Lead Plaintiffs respectfully submit that a single brief will avoid duplication and conserve the resources of the Court and the parties;

WHEREAS, Defendants do not oppose Lead Plaintiff's request to file a single brief of up to 35 pages in opposition to Defendants' motions to dismiss the Consolidated Complaint;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the undersigned parties as follows:

1.) Lead Plaintiffs may file a single brief of up to 35 pages in opposition to Defendants' motions to dismiss the Consolidated Complaint.

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1 Dated: August 17, 2010

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Securities, LLC, and SL Hare Capital, Inc.

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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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3 Dated: _____, 2010

4 HONORABLE RICHARD SEEBORG
5 UNITED STATES DISTRICT JUDGE
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